

SENATE BILL No. 223

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-4-1.

Synopsis: Rape penalty. Increases the penalty for rape without an enhancement to a Level 2 felony.

Effective: July 1, 2015.

Crider

January 6, 2015, read first time and referred to Committee on Corrections & Criminal Law.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 223

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-42-4-1, AS AMENDED BY P.L.168-2014,
2 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 1. (a) Except as provided in subsection (b), a
4 person who knowingly or intentionally has sexual intercourse with
5 another person or knowingly or intentionally causes another person to
6 perform or submit to other sexual conduct (as defined in
7 IC 35-31.5-2-221.5) when:
8 (1) the other person is compelled by force or imminent threat of
9 force;
10 (2) the other person is unaware that the sexual intercourse or other
11 sexual conduct (as defined in IC 35-31.5-2-221.5) is occurring; or
12 (3) the other person is so mentally disabled or deficient that
13 consent to sexual intercourse or other sexual conduct (as defined
14 in IC 35-31.5-2-221.5) cannot be given;
15 commits rape, a ~~Level 3~~ **Level 2** felony.
16 (b) An offense described in subsection (a) is a Level 1 felony if:



- 1 (1) it is committed by using or threatening the use of deadly force;
- 2 (2) it is committed while armed with a deadly weapon;
- 3 (3) it results in serious bodily injury to a person other than a
- 4 defendant; or
- 5 (4) the commission of the offense is facilitated by furnishing the
- 6 victim, without the victim's knowledge, with a drug (as defined in
- 7 IC 16-42-19-2(1)) or a controlled substance (as defined in
- 8 IC 35-48-1-9) or knowing that the victim was furnished with the
- 9 drug or controlled substance without the victim's knowledge.

